JITENDRA VS. ADDITIONAL DISTRICT COLLECTOR & ORS.

(S.B.CIVIL WRIT PETITION NO. 2917/07)

Dated: 25.10.2007.

HON'BLE MR.JUSTICE SANGEET LODHA

Mr.Arvind Samdariya, for the petitioner.
Mr.B.L.Tiwari, Dy.G.A.

This writ petition is directed against the order dated 29.1.2007 passed by the Additional District Collector, Bhilwara in revision petition no.14/07, whereby it has been held that the sale of the plot in favour of the petitioner herein requires approval of the competent authority, therefore, the requisite approval should be obtained from the competent authority within a period of three months. It has been further ordered that if the sale is not got approved within the period as aforesaid, the Patta issued in favour of the petitioner herein shall stand cancelled.

The petitioner is aggrieved by the time fixed for obtaining the approval and condition providing for automatic cancellation on failure to obtain the requisite approval. Obviously, the grant of approval within the specified period is not within the control of the petitioner. Therefore, the condition for automatic cancellation of the Patta on failure to obtain the approval within the specified period does not appear to be unjustified.

The learned Dy.G.A. appearing on behalf of the respondent in all fairness submitted that condition incorporated in the order

regarding automatic cancellation of the Patta may be deleted.

Accordingly, the writ petition is allowed. The condition incorporated in the order impugned providing for automatic cancellation of Patta on failure to obtain approval within a period of three months is set aside. The Patta issued in favour of the petitioner shall be subject to the decision of the competent authority vested with the power to grant approval. However, this will not preclude the petitioner from availing the appropriate remedy if ultimately the competent authority refuses to grant the approval. No order as to costs.

(SANGEET LODHA),J.